IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1863 OF 2005
IN
FIRST APPEAL (ST.)NO.9146 OF 2005

Shri Anil D. Datrange & Ors. ..Applicants.

V/s.

Shri Balasaheb S. Lonare & Ors. ..Respondents.

Mr.V.V.Salunke for P.B.Shah for applicants.

Mr.Milind Deshmukh for Respondent Nos. 1A to 1D.

CORAM: A.M.KHANWILKAR,J

DATE : JANUARY 12, 2006.

P.C. :

1. Heard counsel for the parties. Respondents have been duly served. Mr.Deshmukh appearing for respondents submits that he has not been served with the relevant papers. It is not in dispute that Mr.Deshmukh has entered appearance in this proceedings on 6th December, 2005 and informed about entering appearance on 7th December, 2005. Mr.Deshmukh was expected to pursue the matter to ensure that appropriate steps be taken to file reply affidavit on behalf of his client, if so advised. The respondents for whom Mr.Deshmukh is appearing have been duly served long back.

2. Be that as it may, in companion Civil Application No.1861 of 2005 decided to day, I have observed that sufficient cause has been made out to condone the delay. On the same reasoning, even this application ought to succeed. In the circumstances, application made absolute in terms of prayer clause (a).

3. Office to register first appeal and place for admission, to be heard with companion first appeal arising from the First Appeal Stamp No.8870 of 2005 as per its turn.